

Honorable Philip H. Brandt
Chapter 13
Hearing Date: May 6, 2010
Hearing Time: 9:00 a.m.
Hearing Place: Courtroom 8106
Response Date: April 29, 2010

UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

In re

PATRICIA A. SAWYER,

Debtor.

No. 08-15933-PHB

DEBTOR'S REPLY TO CHAPTER 13
TRUSTEE'S OBJECTION TO SECOND
INTERIM APPLICATION FOR
COMPENSATION OF ATTORNEYS'
FEES AND REIMBURSEMENT OF
COSTS

Patricia A. Sawyer ("Debtor"), by and through counsel, Taryn M. Darling Hill and
Resolve Legal PLLC, responds to the *Chapter 13 Trustee's Objection to Second Interim
Application for Compensation of Attorneys' Fees and Reimbursement of Costs* as follows.

Although the Trustee lists the various factors in 11 U.S.C. § 330 the Court should
consider in determining whether the Court should allow reasonable compensation for the
representation of the interests of the debtor in connection with her bankruptcy, yet the Trustee
does not dispute nor raise any facts that could be construed as argument that the factors are
not met through Debtor's fee application. To the contrary, Debtor has filed a detailed fee
application explaining the work completed on her case, the time spent, and how the work ties

1 to the factors detailed in § 330. As is commensurate with the recent filings in this case by the
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3 Trustee, the Trustee's complaint with Debtor's request for reasonable fees appears to hang on
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5 the fact that the case has not yet been confirmed. The Trustee concludes in his motion to
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7 dismiss and objection to confirmation, however, that "[the] adversary proceeding will likely
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9 need to be resolved before the debtor's plan can be confirmed[.]" See Docket #43.
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12 The Trustee raises concern over the time the Debtor has remained in a Chapter 13 plan
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14 prior to confirmation; and the Debtor wholeheartedly shares the Trustee's concern that it has
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16 taken considerable time to arrive at a settlement with Countrywide relating to the adversary,
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18 but this delay was not caused by the Debtor. Nor does the delay support the Trustee's
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20 position that Debtor's attorney is not entitled to reasonable compensation for representing the
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22 interests of the Debtor in connection with the bankruptcy. All one need do is canvas recent
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24 news articles covering the status of modifications across the country to understand the snail's
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26 pace at which such modifications take place, if at all. Countrywide and Debtor reached final
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28 settlement of both modification and settlement terms on April 28, 2010, and Debtor filed a
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30 motion approving the settlement on shortened time on the same date.
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35 The Trustee has not disputed that the representation of the Debtor's interests in the
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37 bankruptcy satisfied the factors that should be considered in the allowance of fees enunciated
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39 in 11 U.S.C. § 330. Nor has the Trustee provided any evidence to the contrary. The Debtor,
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41 on the other hand has addressed in detail, the necessity, benefit, reasonableness of time spent
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1 as compared with the complexity, importance, and nature of the issues to justify her request
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3 for fees. As a result, Debtor requests that the Court grant the application for fees.
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5 DATED this 3rd day of May 2010.
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8 RESOLVE LEGAL PLLC
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11 By /s/ Taryn M. Darling Hill
12 Taryn M. Darling Hill, WSBA #38276
13 Attorneys for Debtor
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CERTIFICATE OF SERVICE

I hereby certify under penalty of perjury that on May 3, 2010, I caused a copy of the foregoing to be served via CM/ECF on the following parties:

Michael Fitzgerald courtmail@seattlech13.com

Gregory R. Fox on behalf of Defendant Countrywide Home Loans Inc
foxg@lanepowell.com , sea.bankruptcy.ecf@lanepowell.com; stephensont@lanepowell.com;
Docketing-SEA@lanepowell.com

M Moburg on behalf of Creditor Countrywide Home Loans Inc ecf@rcolegal.com

Melissa Romeo on behalf of Creditor Countrywide Home Loans Inc ecf@rcolegal.com

Melissa W Romeo on behalf of Creditor The Bank of New York Mellon fka The Bank of New York as Trustee ecf@rcolegal.com

United States Trustee USTPRegion18.SE.ECF@usdoj.gov

DATED this 3rd day of May 2010, at Seattle, Washington.

/s/ Nancy Hunter

Nancy Hunter, CBA